

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **SACV 23-1073-KK-KESx**

Date: December 12, 2023

Title: ***Sanchez v. Dead Rockers, et al.***Present: The Honorable **KENLY KIYA KATO, UNITED STATES DISTRICT JUDGE**_____
Noe Ponce

Deputy Clerk

Not Reported

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

Proceedings: (In Chambers) Order to Show Cause Why Action Should Not Be Dismissed for Failure to Prosecute

Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a defendant within 90 days after the complaint is filed. See FED. R. CIV. P. 4(m). Generally, a defendant must answer the complaint within 21 days after service, or 60 days if the defendant is the United States. See FED. R. CIV. P. 12(a).

In the present case, it appears that one or more of these time periods has not been met as to one or more defendant(s). Specifically:

- ☒ Proof of service of the summons and complaint
- ☐ Answer by the defendant or an application for entry of default pursuant to Federal Rule of Civil Procedure 55(a)
- ☐ Motion for default judgment set for hearing in accordance with the Local Rules and the Court's Standing Order

Here, Plaintiff has attempted to file proofs of service multiple times, each of which has been previously stricken for deficiencies. See ECF Docket Nos. ("Dkts.") 12, 13, 15, 16, 18, 20, 22, 26. Moreover, the Court notes Plaintiff has made only one attempt to serve defendants which was back in June 2023. See dkts. 12, 13, 18, 22. Therefore, Plaintiff has failed to provide proof of timely service of the summons and complaint on Defendants. See FED. R. CIV. P. 4(m).

Accordingly, the Court, on its own motion, orders Plaintiff to show cause in writing on or before **December 19, 2023** why this action should not be dismissed for lack of prosecution as to Defendants.

It is Plaintiff's responsibility to respond promptly to all Orders and to prosecute the action diligently, including filing proofs of service and stipulations extending time to respond. If necessary, Plaintiff must also pursue Rule 55 remedies promptly upon the default of any defendant. All stipulations affecting the progress of the case must be approved by this Court. See L.R. 7-1.

No oral argument of this matter will be heard unless ordered by the Court. The Order will stand submitted upon the filing of a responsive pleading or motion on or before the date upon which a response by Plaintiff is due.

Plaintiff is expressly warned that failure to timely file a response to this Order will result in this action being dismissed without prejudice as to Defendants for failure to prosecute and comply with court orders. See FED. R. CIV. P. 41(b).

IT IS SO ORDERED.